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FM AMCONSUL MONTERREY

TO RUEHC/SECSTATE WASHDC PRIORITY 3420

INFO RUEHME/AMEMBASSY MEXICO PRIORITY 4465

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C O N F I D E N T I A L SECTION 01 OF 02 MONTERREY 000018

SIPDIS

E.O. 12958: DECL: 1/14/2019

TAGS: ASEC SNAR PGOV KCRM ECON MX

SUBJECT: BATISTA KIDNAPPING CASE: LITTLE REAL PROGRESS SO FAR

REF: 2008 MONTERREY 565

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CLASSIFIED BY: Bruce Williamson, Consul General, Monterrey,
State.

REASON: 1.4 (b), (d)

¶1. (C) Summary. Despite widespread publicity and continued USG efforts, there has been little progress in resolving the December 10 kidnapping of Felix Batista, an Amcit anti-kidnapping expert. Coahuila Governor Humberto Moreira Valdes personally assured the Consul General that he would provide any requested assistance, telling us that he would instruct state Attorney General Jesus Torres Charles to cooperate fully with the FBI. The case had been at a standstill as Torres has treated Batista's disappearance as a missing persons case and has done a minimal investigation. Following our meeting with the Governor, Moreira shuffled his cabinet, increasing Torres' responsibilities. Torres subsequently met with FBI A/Legatt and FBI case officer in charge of the case, at which time he released Batista's personal effects (including Batista's laptop computer and thumbdrive) and agreed to arrange an interview with a key witness. Separately, FBI has interviewed several other witnesses present immediately prior to Batista's abduction (these meetings were scheduled prior to the session with Governor Moreira). Given the passage of time, the lack of any ransom demand, and indications that the victim was kidnapped by drug enforcers (Gulf Cartel Zetas), chances of recovering Batista alive are slim. End Summary.

Background

¶2. (C) Batista's friend and colleague Pilar Valdez, longtime director for security for the Saltillo Industrial Group (GIS) was kidnapped the morning of December 10, and Batista was apparently negotiating for Pilar's release when he went to dinner on December 10. Batista received a call, left his computer, credit card and cell phone with his dinner companions, instructed them to call a number if he did not return, and he got into a waiting car outside the restaurant. Pilar was released an hour later, but there has been no subsequent contact with Batista or his apparent kidnappers (see reftel). Subsequent statements by Valdez to the FBI indicate that his abductors believed that Batista had been passing information on the drug cartels to Mexican federal law enforcement authorities.

Meeting with the Governor

¶3. (C) On January 9 the Consul General and Consular Chief met with Coahuila Governor Humberto Moreira. Moreira stated his willingness to help, noting that the widespread publicity about the case was harming Coahuila's image. Indeed, on the security front Moreira said that the USG was the only institution that he fully trusted. Governor Moreira then ushered Attorney General

Jesus Torres Charles into the meeting, repeating for Torres' benefit his determination to solve the case and his offers of cooperation.

¶4. (C) Later that day, Governor Moreira shuffled his cabinet, giving Attorney General Torres control of both the Attorney General's office and the Secretariat of Public Security, and relegating Secretary of Public Security Fausto Destenave Kuri, a former federal prosecutor, to the State Commission on Water and Sewage. As reported in reftel, Secretary Destenave, Torres' bureaucratic rival, had been very helpful in informally providing the Consulate with videotapes from the restaurant outside of which Batista was abducted and copies of Batista's papers and notes. Although several of Destenave's subordinates remain at present, the Governor placed a Torres loyalist, Alfredo Udave Davila, as the new Secretary of Public Security and Torres oversees the office.

¶5. (C) On January 12, Consulate A/Legat, TDY FBI case officer, and Conoff met with the newly-empowered Attorney General Torres and Acting Secretary Udave to test the Governor's earlier statements. Torres released Batista's personal effects, including his computer and thumb drives, which the FBI will analyze for leads. Torres also agreed to arrange for a formal interview with Pilar Valdez, although given Torres' earlier unwillingness to do so, Post officials had already gone ahead and previously met with Valdez unofficially.

Federal or State Jurisdiction?

¶6. (C) It is possible that the Batista case will be federalized, which may or may not result in a more complete investigation. Mexican federal government officials claimed in the press that they could not bring the case to the federal level because the family had not filed a complaint. However, in the January 13 edition of the leading Monterrey newspaper El Norte, Batista's wife said that she had filed a complaint with the Mexican Consulate in Miami on December 24 and had been told that the compliant would be forwarded and filed. However, due to employee vacations, she alleges that the Consulate did not

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forward the complaint to San Antonio until January 11 and the complaint still had not been filed as of January 12. GOM embarrassment of the mishandling of the complaint could prompt it to move the case to a federal level, but it is not clear if that would resolve the case faster. The federal police would need to start a police investigation without local knowledge more than a month after the crime.

EDWARDS